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Bill Mansard
Richard Dodge



COUNTY GOVERNMENT STUDY COMMISSION

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Authority: P.L. 109-1997

MEETING MINUTES¹

Meeting Date: October 21, 1999
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Becky Skillman, Chairperson; Sen. Mark Blade; Rep. Tiny Adams, Vice-Chairperson; Rep. Peggy Welch; Rep. Matt Whetstone; Garland Ferrell; Frank Fritch; Thomas Zakrzewski; Vernon Jewell; Douglas Lechner; Gloria Stephani; John Catey; Al Dillon; Jean Paul Lushin; Richard Dodge.

Members Absent: Sen. Steven Johnson; Sen. Rose Antich; Rep. Gloria Goeglein; Bill Mansard; Frank Fritch; Vernon Jewell.

Counsel notes that the minutes of the Commission's third meeting on September 30, 1999 should have indicated the presence of Mr. Richard Dodge who was inadvertently omitted from the list of members present.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Sen. Skillman called the meeting to order shortly after 1:00 p.m. The Commission received testimony relating to the following issues: (1) courts; (2) county surveyors; and (3) county sheriffs. The testimony is summarized below in that order.

COURT ISSUES

Sen. Skillman welcomed the Hon. Steven Caldemeyer of the Delaware County Circuit Court. Judge Caldemeyer presented a comprehensive look at the Youth Opportunity Center and the programs provided for at-risk children in Delaware County and the surrounding region. Judge Caldemeyer reviewed the history of the facility, the financing of the facility, the philosophy underpinning the services provided at the center, and the savings realized by the taxpayers of Delaware County as a result of the center's facilities and programs.

Marilyn Scales, Director, Delaware County Office of Family and Children, reported that Delaware County had not raised its tax rate for the county welfare levy for three consecutive years. Ms. Scales emphasized the importance of everyone concerned working together to balance fiscal concerns with providing the services kids need.

Mr. Lushin reported similar successes in the operation of the Kinsey Youth Center in Kokomo. Mr. Lushin provided the Commission a detailed handout of the statistics associated with placements at the center.

COUNTY SURVEYORS

Mr. Jeffrey P. French, President of the Indiana County Surveyors' Association announced to the Commission the intent of the association to undertake a comprehensive internal study of all county surveyor functions, authority, and responsibilities as prescribed by the Indiana Code and as found in actual practice. Mr. French promised a report clearly defining the county surveyor's delivery of service and recommendations on how the office should be maintained, enhanced, expanded, altered, or eliminated. Mr. French indicated that the study would be presented to the Commission in the 2000 interim.

COUNTY SHERIFF ISSUES

Counsel reviewed the statutes governing the compensation of sheriffs, the inmate trust fund, and commissary funds.

The Commission heard testimony on the proper and improper uses of the county sheriff's commissary fund from Bruce Hartman, State Board of Accounts. Mr. Hartman identified three statutory problem areas from an audit stand point. First, the statute permits the money to be spent on "any other purpose that benefits the sheriff's department.." Mr. Hartman noted that the county sheriffs do a wonderful job but found the language simply too vague as almost any expenditure can be justified by the sheriff as a benefit to the department. When the sheriff presents a reasonable argument, it becomes very difficult for the State Board of Accounts to argue that the expenditure does not benefit the sheriff's department.

Second, the statute applies to counties with a population of more than 50,000. However, it is the State Board of Accounts practice to audit all commissary fund regardless of the size of the county in question. The practice is supported by the Indiana Sheriffs' Association, but a few county sheriffs disagree.

Third, the statute is silent on what a sheriff may charge the inmates for products sold in the commissary. Inmates and families have complained about commissary prices in a few instances. Mr. Hartman noted that sheriffs usually do not abuse their discretion in establishing commissary prices.

The Commission also received testimony from Paul Baker, Grant County Council, and Marty Hawk, Monroe County Council. Mr. Baker testified that the county council needs to receive a record or an audit of all money deposited into and disbursed from the commissary fund. Ms. Hawk added that money going into the commissary fund should go through the county fiscal body and the auditor as a regular appropriation.

Tippecanoe County Sheriff, Dave Murtaugh, testified on a variety of county sheriff issues. Sheriff Murtaugh stated that inmate trust accounts worked well with few problems. One problem cited by Sheriff Murtaugh is that inmates often fail to cash their trust account checks upon release. The sheriff is required to hold onto the money for ten years. The situation creates bookkeeping difficulties for the sheriff. Sheriff Murtaugh advocated reducing the holding period to three years.

Sheriff Murtaugh urged the General Assembly to eliminate the old system of compensating sheriffs with unspent meal money and tax warrants as a measure to further professionalize the office.

With respect to the commissary fund, Sheriff Murtaugh insisted that the sheriff is accountable to the public and to the State Board of Accounts. Sheriff Murtaugh maintained that the claims process is too slow and lacks the flexibility afforded the sheriff by the commissary fund.

The testimony of sheriffs Nick Gulling (Hancock County), Jack Cottey (Marion County), Tom Snider (Elkhart County), and Jerry Marr (Howard County) focused on the advantages of the commissary fund as a means of purchasing for the sheriffs' department. The sheriffs praised the flexibility allowed by commissary fund purchases. They also stressed that in many cases the commissary fund meets vital needs that would go unmet if the sheriff were dependent solely upon general appropriations. The sheriffs described a number of expenditures from the commissary funds that might fall under the category discussed by Mr. Hartman to illustrate the sort of expenditures that "benefit the sheriff's department."

Sen. Skillman adjourned the meeting at approximately 3:30 p.m.